THE TOWN OF STE. ANNE

ENFORCEMENT BY-LAW

BY-LAW NO. 2 - 2018

BEING A BY-LAW of the Town of Ste. Anne to impose by-law contravention and administrative penalties for the enforcement of municipal by-laws under the Municipal By-Law Enforcement Act and the Provincial Offences Act.

The Municipal By-Law Enforcement Act

WHEREAS subsection 3(1) of The Municipal By-Law Enforcement Act provides in relevant Part as follows:

Authority to impose administrative penalties

3(1) A municipality may, in accordance with the Act, require administrative penalties to be paid in respect of the contravention of its by-laws.

AND WHEREAS subsection 3(2)

3(2) A municipality may only require administrative penalties to be paid if it first passes a by-law that does the following:

(a) Designates the by-law contraventions that may be dealt with by a penalty notice;
(b) Sets the amount of the administrative penalty for each contravention, which must not exceed the amount prescribed by regulation;
(c) Sets the period within which a person may pay the administrative penalty or request a review by a screening officer, subject to subsection 10(2);
(d) Provides for the appointment of one or more screening officers and specifies their power and duties, which may include
(i) The power to reduce the amount of an administrative penalty set out in a penalty notice, and
(ii) The power to enter into a compliance agreement, on behalf of the municipality, with a person to whom a penalty notice has been issued;
(e) Sets the period within which a person must deal with a screening officer's decision under subsection 11(2);
(f) Establishes an adjudication scheme described in section 14 to resolve matters relating to administrative penalties and compliance agreements.

AND WHEREAS Subsection 3(3)

Additional by-law powers

3(3) A municipality that passes a by-law under subsection (2) may also, pass a by-law,

(a) provide for an early payment discount of administrative penalties;
(b) if the powers of a screening officer specified under clause (2)(d) include the power to reduce the amount of an administrative penalty, set out the grounds on which that may be done;
(c) if the powers of a screening officer specified under clause (2)(d) include the power to enter into compliance agreements on behalf of the municipality,
(i) specify the by-law contraventions in relation to which a screening officer may enter into a compliance agreement,
(ii) set the terms that may be included in a compliance agreement to encourage compliance with the by-law,
(iii) set the maximum duration of a compliance agreement, and
(iv) extend the time for requesting an adjudication about a compliance agreement under subsection 13(1);
(d) set out any additional grounds on which a screening officer or adjudicator is authorized to cancel a penalty notice under subclause 11(1)(d)(iii) or 19(2)(c)(iii);
(e) establish a fee payable to file a request for adjudication, which must not exceed $25;
(f) do any other thing authorized by the regulations.

AND WHEREAS subsection 6(1)

Penalty notice

6(1) A by-law enforcement officer may complete and issue a penalty notice to a person against whom a designated by-law contravention is alleged.

AND WHEREAS Council of the Town of Ste. Anne deems it advisable in the public interest to provide for an administrative penalty scheme as an additional means of encouraging compliance with its by-laws;

NOW THEREFORE the Council of the Town of Ste. Anne in open session of Council duly assembled enacts as follows:

1. The Enforcement By-law, attached hereto and marked as Schedule "A", is hereby adopted;
2. The by-law shall be known as the Town of Ste. Anne Enforcement By-law.
3. The Town of Ste. Anne Enforcement By-law shall take force and effect on the day after third reading of this By-Law.
4. The Schedule "A" to the Enforcement by-law can be amended by Council of the Town of Ste. Anne by resolution.

DONE AND PASSED by the Council of the Town of Ste. Anne in regular session assembled, this 6th day of February, 2018.

Mayor

Chief Administrative Officer

Read a first time this 23rd day of January, AD. 2018.
Read a second time this 6th day of February, AD. 2018.
Read a third time this 6th day of February, AD. 2018.

TOWN OF STE. ANNE

ENFORCEMENT BY-LAW

BEING SCHEDULE

ATTACHED TO BY-LAW NO. 2-2018

Purpose

The purpose of this by-law is to implement and provide a penalty scheme for the enforcement of By-Law contraventions.

Definitions

The following definitions apply in this By-Law.

"adjudicator" means a person appointed under section 15.

"by-law enforcement officer" means a person appointed or designated under The Municipal Act or The City of Winnipeg Charter to enforce the by-laws of a municipality, and includes a designated employee or officer under The Planning Act.

"compliance agreement" means a compliance agreement under section 12 that is authorized by a by-law under clause 3(2)(d).

"designated by-law contravention" means a contravention of a by-law designated under clause 3(2)(a).

"licence plate" of a vehicle means a number plate as defined in The Drivers and Vehicles Act.

"municipality" includes a local government district and a planning district under The Planning Act.

"owner", in relation to a vehicle, has the same meaning as in The Drivers and Vehicles Act.

"parking", in relation to a vehicle, includes the standing or stopping of a vehicle.

"penalty notice" means a notice under section 6 issued in respect of a designated by-law contravention.

"Registrar of Motor Vehicles" means the Registrar of Motor Vehicles appointed under The Drivers and Vehicles Act.

"screening officer" means a person appointed as a screening officer by a municipality

"vehicle" means a motor vehicle or vehicle as defined in The Highway Traffic Act.

Authority to Impose Administrative Penalties

1. **THAT** pursuant to clauses 3(2)(a) and 3(2)(b) in accordance with Schedule "A" to this by-law, Council has determined the complete list of By-law contraventions that may be dealt with by a penalty notice.

   AND FURTHERMORE, from time to time Council will by resolution update and amend Schedule "A".

2. **THAT** pursuant to clause 3(2)(c) from the date of the Penalty Notice unless otherwise specified on the Notice, a person must pay the Penalty Notice within 30 days. If the 30 days pass without any payment, the penalty will double in amount or be added to the property taxes of the ratepayer or ratepayers.

   Or alternately, the person must request a review by a Screening Officer under clause 10(1)(b) within 21 days of the penalty Notice date or date otherwise specified on the

Notice.

3. **THAT** pursuant to clause 3(2)(d) the Chief Administrative Officer will decide how the Screening Officer duties will be delivered.

4. **THAT** pursuant to subclauses 3(2)(d)(i)(ii) the Screening Officer duties are not limited to, but include
a. Authority to reduce the administrative penalty by 50%;
b. Authority to enter in to a Compliance Agreement, on Behalf of the municipality, with a person to whom a penalty notice has been issued.

Screening Officer Decision

5. **THAT** pursuant to clauses 3(2)(e) a person has within 7 days of the screening officer's decision to comply with that decision.

Or a person has 5 days form the date of the Screening Officer's decision to elect to request an adjudicator to review the Screening Officer's decision by notice in writing to the Chief Administrative Officer accompanied by a $25 adjudication fee.

6. **THAT** pursuant to clause 3(2)(f) the Adjudication Scheme allows for the following:
a. Request a review of a Screening Officer's decision to confirm or reduce the administrative penalty set out in the penalty notice;
b. Request a determination of a dispute as to whether the terms of a compliance agreement were complied with.

Early Discount

7. **THAT** pursuant to clause 3(3)(a) all administration penalty that fall within 20 days of the date of issue are subject to an automatic 50 % reduction.

Compliance Agreement

8. **THAT** pursuant to clause 3(3)(c) the Screening Officer may enter into a Compliance Agreement for all contradictions to which a penalty notice has been issued; except: Snow Removal, Parking Ban and Dangerous Dogs; and allow for the following:

a. Can be set to meet compliance periods of a maximum term of 6 months,
b. b. 6-month compliance agreements can provide for a discount on early payment of 25% for the months of 4, 5 and 6 if paid in full at the time month 4 is due,
c. c. a clause to waive any financial penalty if non-financial measure in the compliance agreement a

Appendix A - Penalties

To Schedule A of Town of Ste. Anne By-Law 2-2018

By-Law contraventions that may be dealt with under the Act.
*Applicable as first, second and subsequent offence

Offence No.	By-Law Section	Contradiction			Penalty
~~5-2008 Animal Control~~ 2-2025 Animal Control					
101		Unlicensed Dog			$100
102		Dog tag not secured on collar			$50
103		Permit a dog on school or play grounds			$100
104		Own, keep, harbour a dog determined to be a dangerous animal			$200
105		Allow to bite attack or worry a person			$500
106		Not under effective control			$100
107		Keeping excess animals on property			$200
108		Animal wandering at large			$150
109		Animal disturbing quiet of any person			$100
110		Failure to meet and maintain identified animal conditions	*$150	$300	$450
111		Damage by animal of public or private property not the owners			$100
112		Failure to clean up animal excrement from private or public property			$100
113		Livestock wandering at large			$100
114		Keeping of livestock in excess of prescribed numbers in city			$150
115		Keeping of restricted animals without a permit			$250
116		Remove or attempt to remove impounded animal			$300
117		Teasing, enticing, baiting or throwing objects at an animal			$800
118		Ill-treatment of animals			$1000
~~11-2013 Traffic~~ Replaced by Schedule A of By-Law 3-2021 as Attached					
201		~~Parade not under direction or control of marshall or organizer~~			~~$100~~
202		~~Parade not permitted by Chief of Police~~			~~$100~~
203		~~Drive through a parade~~			~~$150~~
204		~~Drive vehicle on street barricaded or closed to traffic~~			~~$150~~
205		~~Operate truck or truck tractor along street contrary to truck route~~			~~$100~~
206		~~Use engine retardant brakes where prohibited~~			~~$100~~
207		~~Park truck, truck tractor and/or trailer, motorhome or bus for more than one hour~~			~~$150~~

Offence No.	By-Law Section	Contradiction			Penalty
~~208~~		~~Park trailer with refrigeration unit within 100 meters of a residence~~			~~$100~~
~~209~~		~~Park vehicle on street contrary to By-law namely:~~ ~~• Unparallel to curb~~ ~~• Facing oncoming traffic~~ ~~• More than 450mm from curb~~ ~~• Less than 1 metre ahead or behind vehicle~~ ~~• Contrary to signage~~			~~$100~~
~~210~~		~~Drive, park or stop vehicle or trailer on or along a boulevard~~			~~$150~~
~~211~~		~~Park construction equipment or place dumpster without approved permit~~			~~$150~~
~~212~~		~~Park or leave vehicle on private property where sign prohibits~~			~~$100~~
~~213~~		~~Park vehicle or place container on street without permit~~			~~$150~~
~~214~~		~~Stop, stand or park vehicle in parking space designated for disabled persons~~			~~$150~~
~~215~~		~~Stop or park vehicle in a loading zone~~			~~$150~~
~~216~~		~~Stop or park vehicle as to obstruct flow of traffic~~			~~$150~~
~~217~~		~~Stop or park vehicle contrary to traffic control device namely:~~ ~~• Anytime~~ ~~• During (insert time ie: 8:00 am – 5:00 pm)~~			~~$150~~
~~218~~		~~Stop or park vehicle contrary to traffic control device namely:~~ ~~• More than (insert time ie. 3 hours or 5 hours)~~			~~$150~~
~~219~~		~~Remove, alter, obliterate or deface mark placed on vehicle~~			~~$150~~
~~220~~		~~Make U turn other than at intersection~~			~~$100~~
9-2006 Noise					
301		Animal in your care creating a noise nuisance	*$100	$300	$450
302		Operating or testing power or manual equipment, machinery or motor vehicle outside allowable hours	*$100	$300	$450
303		Creating a noise nuisance by shouting or amplified sound	*$100	$300	$450
6-2013 Municipal Parks					
401		Congregate in a park between 11pm and 6am	*$100	$300	$450
402		Overnight camping	*$100	$300	$450
9-2001 Powered Model Vehicles					
501		Operating gas-powered model vehicle within 300 meters of residence	*$50	$150	$300

Offence No.	By-Law Section	Contradiction				Penalty
502		Operating a model aircraft within City limits	*$50	$150		$300
Garage Sale						
601		Failure to remove sign				$150
602		Boulevard Restoration				
603		Sign Placement				$150
10-2011 Derelict Vehicles						
701		Derelict Vehicle per vehicle				$300
702		Not stored properly				$150
703		To many derelict vehicles being stored per vehicle				$300
704		Permit expired				$150
Obstruction on Municipal Road						
801		No one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the Town of Ste. Anne any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless the Town of Ste. Anne by resolution from time to time, designates otherwise.	*$150	$300	$450	$1000
17BL17 Boulevard Maintenance						
901		No person shall break, dig up, or remove or in any way injure or deface the trees, shrubs, plants or turf located on a boulevard.				$150
902		No person shall throw or deposit any waste, refuse, or substance of any kind, upon any boulevard.				$150
903		No person shall install, place or deposit anything on a boulevard which would obstruct or hinder traffic on any street or cause damage to the boulevard or prove offensive or detrimental to the proper management of boulevards except as provided in section 7.				$150
904		No person shall store, place or deposit on any boulevard any building materials whatever without first obtaining permission from the Town of Ste. Anne.				$150
905		No person shall display or distribute advertising matter of any kind on any boulevard without permission of the Municipality.				$150
906		No person shall use any boulevard for business purposes without approval				$150
907		No person shall cause a vehicle to be parked in such a manner as to encroach upon or damage a tree, shrub, plant or the turf on any boulevard.				$150
908		No person shall ride a horse on, across or along any boulevard.				$150

Offence No.	By-Law Section	Contradiction	Penalty
909		No person shall plant any tree, sapling, shrub or plant of any kind on any boulevard, without first obtaining the written permission of the Town of Ste. Anne	$150
910		No person shall drive a motor vehicle on, across, or along any boulevard at any place other than an authorized crossing unless written permission has been obtained from the Town of Ste. Anne	$150
911		No person shall interfere with the Town of Ste. Anne or Designated Officer in the performance of his duties imposed by this By-law.	$300
912		No person shall make an excavation into the surface of any boulevard without first obtaining the necessary permit from the Town of Ste. Anne.	$150
913		No person shall remove, destroy, cut, deface, trim any tree, shrub, sapling, or plant or sod on any boulevard except as expressly authorized by the Town of Ste. Anne	$150
914		No tree, shrub, or sapling growing on a boulevard shall be destroyed or removed, except as ordered by the Town of Ste. Anne for reasons of disease, hazard or emergency.	$150
915		No person, whether licensed or otherwise, shall move any building along the right of way in such a way as to damage any tree, shrub, sapling, plant or turf on any boulevard. In case of any possibility of damage a permit shall be obtained and funds deposited with the Town of Ste. Anne to cover estimated damages.	$150
916		Where any person, or persons propose to cross any newly constructed boulevard for the purpose of delivery or removal of furniture, household goods, or other like chattels; they shall first place planks of sufficient width, length and strength over the boulevard so that no injury to the boulevard shall result and all packing materials used in such delivery or removal shall be removed from the boulevard.	$150
917		No vehicle shall drive across a boulevard in order to deliver or remove any furniture, household goods or other like chattels unless first obtaining the written permission of the Town of Ste. Anne.	$150
918		Soil and well-rotted lawn dressing may be deposited on a boulevard for removal to private property, but it shall not be allowed to remain longer than seven (7) days.	$150

THE TOWN OF SAINTE-ANNE
BY-LAW NO. 3-2021
SCHEDULE A
PENALTIES

Any contravention of the provisions of this By-Law are subject to the penalties listed below, in which is enforced under the Town of Sainte-Anne Enforcement By-Law, as amended.

Contraventions	Fine
Section 5 – Traffic Control Devices	
Damaging, defacing, removing, obscuring or interfering with a traffic control device	$1,000
Section 6 – Heavy / Commercial Vehicles	
Contravention of Spring Weight Restrictions	$25 for every 50kg overweight, and an additional $200 surcharge if paid later than 15 days after ticket issue date.
Contravention of Heavy Vehicle Restrictions	$1,000
Fail to obtain a permit for an over-weight heavy vehicle	$500
Fail to comply with request to stop or weigh a vehicle	$500
Section 7 – Restricted Use of Streets	
Driving or parking a vehicle on a temporarily closed street	$150
Failure to obtain authorization for a Parade from the Chief of Police	$100
Failure to have a Parade under the direction or control of a Marshall or Organizer	$100
Drive through a Parade	$150
Failure to adequately cover and or secure a load	$40
Dumping or placing snow, earth, sand, rock, any items or other material on a street, lane, sidewalk or boulevard	$100
Placing or leaving any cord or able across a street, land or sidewalk	$40
Obstructing Traffic	$40
Section 8 – Moving Violations	
Use of Engine Retarder Brakes	$100
Section 9 – Parking & Stopping	
Improperly parked	$150
Parking beyond time limit (limited time street parking)	$150
Improperly Parked in a Loading Zone	$150
Parking outside the boundaries of a single parking stall	$150
Failure to display a valid disability parking permit	$300
Parking where parking prohibited	$150
Double parked	$150
Parking on a boulevard, sidewalk or crosswalk	$150
Parking within an intersection	$150
Parking in a traffic lane of any street	$150
Parking where prohibited by temporary traffic control device	$150
Parking in a back lane or alley for more than 15 minutes	$150
Parking in a fire lane	$150
Parking within 9 metres of a stop sign or traffic light	$150
Parking on or within 3 metres of the approach side of a side walk or cross walk	$150
Parking in front of a driveway or approach	$150
Parking in front of a yellow curb	$150
Parking in the opposite direction of traffic	$150
Parking a prohibited vehicle on a street or lane	$150
Parking an unlicensed vehicle or vehicle with expired registration	$150
Interfering with snow clearing operations	$150